THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.9144 of 2004

24.7.2006

Between:

Syed Ahmed Ali Khan, represented by
GPA, Syed Mehdi Ali Khan

… Petitioner

AND

The Principal Secretary, Government of Andhra Pradesh,
Revenue Department, Secretariat, Hyderabad
And others

… Respondents

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WRIT PETITION No.9144 of 2004

ORDER:

The petitioner initially filed a suit being O.S.No.590 of 1978 on the file of the Court of the II Additional Judge, City Civil Court, Hyderabad, for declaration of title and permanent injunction of the land admeasuring Acs.2.52 guntas comprised in survey Nos.101 and 104 of Kompalli Village. The Government of Andhra Pradesh and others are the defendants in the suit. The suit was later tried by the Court of the Principal District Judge, Ranga Reddy District as O.S.No.33 of 1993. By judgment dated 17.2.2000, the suit was dismissed. Feeling aggrieved by the same, A.S.No.1309 of 2000 was filed before this Court. In that appeal an interlocutory application being C.M.P.No.10285 of 2004 was filed and the same was dismissed by this Court. The grievance of the petitioner now is that the suit schedule land is under constant threat of being encroached upon by land grabbers and antisocial elements and that in spite of making a representation to the third respondent duly marking copies to respondents 1, 2 and 4, no action is taken to protect the land. Therefore, he filed the instant writ petition seeking a limited relief directing the respondents to protect the land in survey Nos.101 and 104 of Kompalli village of Kuthbullapur Mandal in Ranga Reddy District.

After getting instructions in the matter, learned Assistant Government Pleader for Revenue (General) submits that the copy of

the representation dated 04.5.2004 allegedly made by the petitioner to the third respondent is not found in the files. This submission cannot be accepted, having regard to the acknowledgement/consignment note issued by D.T.D.C. Couriers. A perusal of these copies would show that the representation of the petitioner has been received by the office of the respondents1, 3 and the Revenue Divisional Officer. Be that as it is, as the land left unattended, might be encroached upon by others, the petitioner is justified in filing this writ petition. Therefore, this writ petition is disposed of directing the respondents 3 and 4 to take all necessary steps to protect the land and see that the land is not encroached upon by others. If anybody is already encroached upon the land, necessary steps should be taken to evict them.

The writ petition, with the above observations and directions, is accordingly disposed of. No costs.

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(**V.V.S.RAO,J**)

July 24, 2006.

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